

Message

From: Burneson, Eric [Burneson.Eric@epa.gov]
Sent: 5/19/2021 8:28:52 PM
To: Henry, Tala [Henry.Tala@epa.gov]
Subject: RE: Listing PFAS on the Contaminant Candidate List

Thanks Tala

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 4:16 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Below is the language we have in the TSCA section 8 rule to collect a wide variety of data on PFAS, that is currently at OMB and we will publish hopefully by end of the month:

For the purposes of this proposed action, the structural definition of PFAS includes per- and polyfluorinated substances that structurally contain the unit $R-(CF_2)-C(F)(R')R''$. Both the CF_2 and CF moieties are saturated carbons and none of the R groups (R , R' or R'') can be hydrogen.

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:53 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

The magic formula is that we can write "The Draft Contaminant Candidate List 5 (CCL 5) and the Final CCL 5, when published, will not impose any requirements on regulated entities."
Let us know who to contact/how to reference the OPPT working definition of PFAS.

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 2:49 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Wow, what is the magic formula for that?

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

One other point Tala. I was mistaken when I wrote we were transmitting draft CCL5 to OMB. They waived review. We are preparing the notice for signature/publication.

From: Burneson, Eric
Sent: Wednesday, May 19, 2021 12:00 PM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Tala:
Thank you for the rapid response. I have replied to your questions in blue below. Also note that in my response below I

Ex. 5 Deliberative Process (DP)

Eric

From: Henry, Tala <Henry.Tala@epa.gov>
Sent: Wednesday, May 19, 2021 10:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>; Euling, Susan <Euling.Susan@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Subject: RE: Listing PFAS on the Contaminant Candidate List

Hi Eric,
see below

Tala R. Henry, Ph.D.
Deputy Director
Office of Pollution Prevention & Toxics

T: 202-564-2959
E: henry.tala@epa.gov

From: Burneson, Eric <Burneson.Eric@epa.gov>
Sent: Wednesday, May 19, 2021 10:27 AM
To: Henry, Tala <Henry.Tala@epa.gov>
Cc: Behl, Betsy <Behl.Betsy@epa.gov>; Flaherty, Colleen <Flaherty.Colleen@epa.gov>; Wang, Lili <Wang.Lili@epa.gov>;

Euling, Susan <Euling.Susan@epa.gov>

Subject: Listing PFAS on the Contaminant Candidate List

Tala:

We are in the final stages of developing a draft fifth Contaminant Candidate List (CCL 5) for public comment and are working to transmit this draft to OMB in the coming weeks. Because of the high priority of PFAs the following language is in our notice:

Ex. 5 Deliberative Process (DP)

The notice also clarifies that listing contaminants as groups does not mean that the agency will regulate the contaminants as groups:

Ex. 5 Deliberative Process (DP)

I am writing to you because we do not have an OPPT participant on our Workgroup for this action and we wanted to be certain that this proposed CCL5 grouping does not have unforeseen implications for OPPT. Can you or someone from your organization let us know if you have concerns with this approach?

As you know, ORD and OPPT do not believe ALL PFAS are a single group – not from chemical structure/class, pchem property, or biological effects perspective, i.e., it is not best available science to consider all one class or group for assessment purposes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Another issue occurs to me: Given there is not a consensus definition of PFAS (within EPA nor internationally...yet) how are you defining what will be on the CCL? OPPT has a “working definition”, i.e., a chemical structure definition we have used in several rulemakings.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Eric G. Burneson
Director, Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250 (Office)
202 380 8897 (Mobile)